

**REMARKS**

Claims 3-20 remain in the case and new claims 21-22 are added. Favorable reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

**Claim Rejections - 35 USC § 102:**

Claims 3-13, 18 and 19 are rejected under 35 USC § 102(e) as being anticipated by Li et al. US 2005/0199087.

**Claims 3, 10 & 18**

Independent claims 3, 10, and 18 are amended without prejudice. Applicant respectfully contends that the alleged linking member (20) of Li '87 merely rotates and does not move linearly as does the claimed linking member (22) of the present application (see attached, marked-up, Figures 1 and 4 of Li '87). In fact, only the member (22) of Li '87 moves linearly, see par. 15 of Li '87.

Consequently, claims 3, 10 and 18 of the present invention are not anticipated by Li '87 under U.S.C. 102(e).

**Claim 3**

Moreover and although Applicant respectfully disagrees with the Examiner's overly strict interpretation of MPEP 2114 because how two structural components interrelate to one-another (e.g. sliding, journaled, etc) is part of the physical description, claim 3 of the present application is amended to include additional structure to support the linear movement of linking member (22). Specifically (element numbers added for clarity):

"said single locking device (18) having a guide (48) connected rigidly to and supported continuously by said lower steering column jacket (12); and  
said single locking device (18) having a first aperture (52) in said guide (48) and extending longitudinally with respect to said jackets (12, 14) and wherein said

linking member (22) is supported by said guide (48) for linear movement through said first aperture (52)."

The alleged guide (18) of Li '87 is actually a motor housing, not a guide, (see par 15 of Li '87 and the Examiner's previous argument with regards to claim 7). Contrary to amended claim 3, the rotating shaft (20) of Li '87 rotates within the alleged motor's aperture. The linking member (22) of claim 3 slides linearly through the first aperture (52).

Applicant respectfully surmises that if the Examiner meant to identify member (22) of Li '87 as the linking member because it moves linearly, it is not supported by a guide "connected rigidly to and supported continuously by" a lower jacket nor does it extend through an aperture in the non-existent guide. Applicant further surmises that if slide block (44), see Fig. 3 of Li '87, is viewed as a guide, it slides and is thus not connected rigidly to the lower jacket.

Consequently, claim 3 the present invention is not anticipated by Li '87 under U.S.C. 102(e).

#### Claim 4

With regards to currently amended claim 4, the alleged linking member (20) of Li '87 is not engaged releasably to the alleged guide (18) because both actually comprise an electric motor. It is commonly understood that the rotor of a motor can not be disengaged from the motor windings, and if such were done, the invention of Li '87 would fail.

Consequently, claim 4 of the present invention is not anticipated by Li '87 under U.S.C. 102(e).

#### Claims 5-9

With regards to claim 5, the Applicant agrees with the Examiner to the extend that bolt (A) of Li '87 is associated with the upper jacket (14) (see item 2 on page 9 of Office Action, note that it is assumed the Examiner means upper and not lower jacket). However, the bolt (A) of Li' 87 is not associated with the alleged linking member 20 of Li '87 and as claimed in claim 5.

Consequently, claim 5 and dependent claims 6-9 therefrom and of the present invention are not anticipated by Li '87 under U.S.C. 102(e).

#### Claim 10

With further regards to amended claim 10, Applicant surmises that the Examiner considers the rotating member 20 and the linearly moving member 22 of Li '87 as one moving component and even though there exists a scREW-drive relationship between the two. Hence, claim 10 is amended without prejudice to further limit the linking member 22 of claim 10 as a unitary, one piece, member.

Applicant further notes that the adjustable connector (32) not claimed in claim 10 is not part of the linking member (22). This is evident upon a reading of the specification (see Par. 13) and when viewing Figure 1 of the present application.

Consequently, claim 10 of the present invention is not anticipated by Li '87 under U.S.C. 102(e).

#### Claim 18

With further regards to claim 18, it is amended without prejudice to include the further limitations as follows (element numbers added for clarity):

" the single locking device (18) having a guide (48) engaged rigidly to the lower steering column (12);

an elongated first aperture (52) extending parallel to the jackets (12, 14) and defined at least in-part by the guide (48), and wherein the linking member (22) is supported by the guide (48) and extends slidably through the first aperture (52); and

an elongated second aperture (62) traversing through the first aperture (52) and defined at least in-part by the guide (48), and wherein the wedging member (54) is supported rotationally by the guide (48) in the second aperture (62)."

The alleged first aperture (not numbered) carried by the motor (18) of Li '87 does not transversely communicate with/through the aperture (46) of the Li '87. Moreover aperture (46) of Li '87 is not in the alleged guide or motor (18), and as claimed in amended claim 18.

Consequently, amended claim 18 of the present invention is not anticipated by Li '87 under U.S.C. 102(e).

**Claim Rejections - 35 USC § 103:**

**Claims 14-17**

Claims 14-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al US 2005/0199087 in view of Burke, U.S. Patent 4,179,137.

Because base claim 10 is patentable, the dependent claims 14-17 are non-obvious and patentable. If an independent claim is patentable, then any claim depending therefrom is non-obvious, In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988).

**Claim 20**

Claim20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al US 2005/0199087 in view of Cymbal et al, U.S. Patent 5,669,270.

The alleged wedge member (A) of the Li '87 reference is a bolt for securing member (32) permanently and rigidly to the upper jacket (14). The Examiner has argued that the threads of the bolt act as a wedge. The actual bolt (A) is not in contact with the alleged linking member (20) therefore there can be no teaching or suggestion to combine the bolt threads with the notch (50) of the Cymbal '270 reference. In fact, to provide a notch in the alleged linking member (20) of Li '87 could cause the worm gear drive of Li '87 not to work while having no effect upon the wedging/fastening ability of the bolt (A).

Therefore, claim 20 is believed to be nonobvious and patentable over Li '87 in view of Cymbal '270.

**Summary:**

Please remove the finality of the previous Final Office Action with acceptance of the accompanied RCE fee, and reconsider claims 3-20 and new claims 21-22 in view of the above amendments and remarks.

A marked-up copy of the claim amendments is attached to facilitate examination. Additions are underlined and deletions are bracketed or struck-out.

If it is determined that any additional fees are due, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 08-2789.

**Respectfully submitted,**

**HOWARD & HOWARD ATTORNEYS**

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Date

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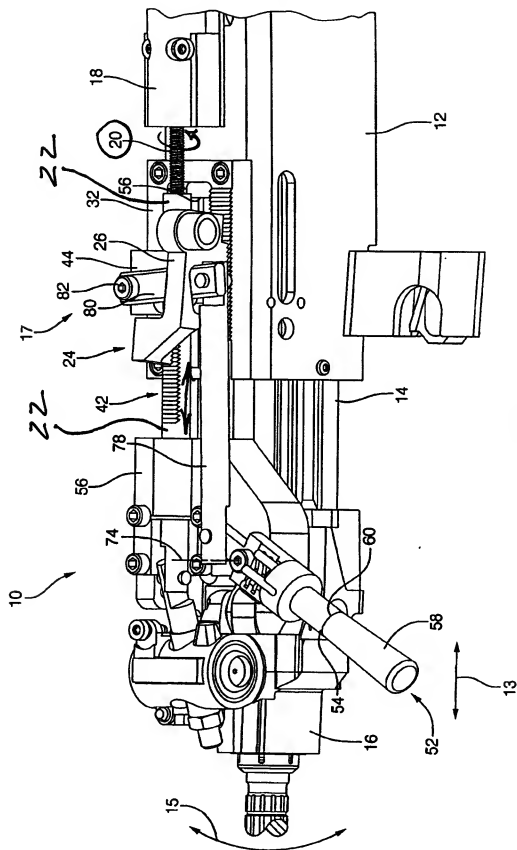
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**FIG. 1**

